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TO RUEHC/SECSTATE WASHDC IMMEDIATE 1189  
INFO RHHMUNA/CDRUSPACOM HONOLULU HI IMMEDIATE  
RUEKJCS/JOINT STAFF WASHINGTON DC IMMEDIATE  
RUEKJCS/SECDEF WASHDC IMMEDIATE

C O N F I D E N T I A L MANILA 002228

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E.O. 12958: DECL: 05/26/2016  
TAGS: [PREL](#) [MARR](#) [KCRM](#) [CASC](#) [RP](#)  
SUBJECT: MARINE CASE UPDATE 05/29/06

REF: A. STATE 46742

[1](#)B. MANILA 2085  
[1](#)C. MANILA 1968 AND PREVIOUS

Classified By: Ambassador Kristie A. Kenney for reasons 1.4  
(b) and (d).

[1](#)1. (U) Summary. Pre-trial hearings have concluded in the case of four U.S. Marines accused of raping a Filipina, and the trial is scheduled to begin on June 2. DCM conveyed to DFA officials the USG's position that the one-year period in the Marine case began on December 27, 2005, when the Marines were first charged. Post is implementing the recommendations of the Embassy working group designed to enhance the welfare and morale of the four Marines. The Marines are next scheduled to appear in court at the initial trial session on June 2. End Summary.

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RECENT DEVELOPMENTS  
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[1](#)2. (U) Pre-trial hearings have concluded in the case of four U.S. Marines accused of raping a Filipina. At a hearing on May 22, Judge Pozon announced that the trial of the Marines would begin on June 2. Pozon stated that the trial would be held three days a week until it concluded, and that he would consider daily sessions beginning in July if he felt that the trial was not proceeding with the speed required by the Visiting Forces Agreement (VFA). At a subsequent pre-trial hearing on May 26, Pozon revised this schedule. The trial will meet four days a week in June-- Monday, Wednesday, Thursday, Friday -- in order to accommodate the large number of witnesses. Pozon said he wanted the trial to conclude in August.

[1](#)3. (C) On May 25, DCM met with Rey Carandang, Assistant Secretary for American Affairs at the Philippine Department

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of Foreign Affairs (DFA). DCM conveyed to Carandang the USG's position that "judicial proceedings" in the Marine case began on December 27, 2005, when the Marines were first charged (refs A and B). DCM further indicated that the USG would not be bound by any GRP decision that linked the onset of judicial proceedings in this case with some other, later judicial activity. Carandang stated that he fully understood the USG position, and would convey it to DFA Secretary Romulo.

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MISSION SUPPORT  
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[1](#)4. (C) Post has begun to implement the recommendations of the Embassy working group (ref B) to improve the Marines'

welfare through increased access to exercise and other facilities for the Marines while they remain in the Philippines. The Marines now have early-morning, after-hours, and weekend access to the running track and adjacent grass field on Embassy grounds. This access, particularly the opportunity for outdoor exercise during daylight hours, has been a significant boost to the Marines' morale. We continue to avoid activities that could be misconstrued publicly as incongruous with their status at the Embassy.

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NEXT STEPS  
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15. (C) The Marines are next scheduled to appear in court on June 2, when the trial begins. Officers from RSO, PAS, JUSMAG, and other Embassy agencies will accompany the Marines at this and all other appearances, as they have in the past. The Marines may not be required to appear at all trial sessions; their appearance schedule will be determined by their lawyers, who are currently recommending that they be present at all sessions. Regardless of the presence of the Marines, a IIIMEF officer will be present at all trial sessions and Post will monitor all sessions closely.

Kenney